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Executive Secretary

February 25, 1975

No. 75/33

TO COUNTY ASSESSORS:

USE OF SOCIAL SECURITY NUMBERS

Last year the United States Congress enacted the Privacy Act of 1974 (see 5 USCA § 552a), which provides that it is unlawful for any federal, state or local government agency to deny to any individual "...any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number."

If the above quotation were an absolute prohibition, it would, of course, prevent assessors from requiring homeowner applicants to provide such numbers. The law, however, contains two exceptions: one relating to disclosures required by federal statutes and another which enables state and local agencies to continue to require the information provided they had previously maintained a system of records employing the numbers pursuant to a statute or regulation adopted prior to December 31, 1974.

Since you or your staff will undoubtedly soon be receiving comments concerning this new law, we are calling it to your attention and are hereby informing you that it is the opinion of the Board's legal staff that the system of records maintained by the counties for verifying homeowners' eligibility, Revenue and Taxation Code Section 218.5 (Stats. 1973, Ch. 208), and Title 18, California Administrative Code Section 135 (SBE Rule No. 135) satisfy the requirements for application of the second exception.

One provision of the act which does require action on your part is to the effect that any agency requesting the disclosure of social security numbers must inform the person being requested to supply it whether or not the disclosure is mandatory, the statute or regulation which provides the authority for requiring the number and the use that will be made of it. The most direct way to accomplish this would be by including the information on claim forms and notices of disqualifying conditions or by separate statements used as handouts and as enclosures accompanying the mailed forms.

Because you have already printed the forms for use in 1975 and are required to mail them to claimants next week we realize you will be unable to comply with this provision in that mailing. However, we believe the law contemplates compliance at the earliest possible time.

Sincerely,

Jack F. Eisenlauer

Jack F. Eisenlauer, Chief
Assessment Standards Division

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